

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-cv-00192

Herbert Hoover Pratt, III,
Plaintiff,

v.

Alvis Hall et al.,
Defendants.

O R D E R

Plaintiff Herbert Hoover Pratt, III, proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a report and recommendation concluding that defendants' motion for summary judgment (Doc. 27) should be granted and that plaintiff's claims against defendants, including the unserved defendants John Doe and Jane Doe, should be dismissed with prejudice. Doc. 38. Plaintiff objected. Doc. 43.

The court reviews the objected-to portions of a magistrate judge's report and recommendation de novo. *See* Federal Rule of Civil Procedure 72(b)(3); 28 U.S.C. § 636(b)(1). The magistrate judge recommended dismissal of plaintiff's claims on the basis that he failed to establish a violation of his constitutional rights—thereby creating a genuine issue of material fact—and that he failed to overcome defendants' entitlement to qualified immunity. Plaintiff's objections to the report reflect a disagreement with the findings and conclusions of the report but fails to establish that any error in fact or law is present.

Having reviewed the magistrate judge's report de novo and being satisfied that it contains no error, the court overrules plaintiff's objections and accepts its findings and recommendation. Defendants' motion for summary judgment (Doc. 27) is granted. For the reasons stated in the report and recommendation, plaintiff's claims against

defendants, including the unserved defendants, are dismissed with prejudice.

So ordered by the court on March 8, 2023.



J. CAMPBELL BARKER
United States District Judge